

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1582 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

M G RANDERIA

Versus

STATE OF GUJARAT

Appearance:

MR SM MAZGAONKAR for Petitioners

MR DA BAMBHANIA for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/09/97

ORAL JUDGEMENT

1. The petitioners, in all thirty in number, who are holding the posts of Assistant Accounts Officer Class-II, Accountant, Assistant Accountant, Sub-Accountant and Clerk in the office of the Food & Civil Supplies Department, filed this special civil application and prayed for quashing and setting aside of the resolution dated 4th February, 1989 read with resolution dated 15th

February, 1989 of the Government with all other consequential benefits.

2. Under the resolution dated 4th February, 1989 on formation of the Gujarat State Civil Supplies Corporation in 1980, some of the specific activities concerning Civil Supplies, had been transferred to the Corporation, together with the employees, in this some of persons from the office of the Director, Civil Supplies (Accounts) had also been sent to the Corporation. Even thereafter, employees from the office of the Director Civil Supplies (Accounts), had been sent to the Corporation from time to time. Taking into consideration the time, circumstances, the workload of activities of the said office etc. and after taking into consideration all such facts carefully, the State Government has finally decided to close down the office of the Director, Civil Supplies (Accounts) under the resolution dated 4th February, 1989. What follow-up actions have to be taken have also been resolved out in the aforesaid resolution and some of those follow-up actions are relevant for the decision of this case, which are reproduced as under:

(a) The Office of the Director, Civil Supplies (Accounts), is being closed down with immediate effect.

(5) The activities which are being performed in the office of the Civil Supplies (Accounts) at present, as also the employees in office at present, have to be distributed in the following basis and system:

Office-Deptt. Activity Distributed Allotment of employees

(a) Director Concerning sugar, FCI 23 (one Gazetted of Food Office claim, sugar equali- Class-1, 22 Non-sation fund concerning gazetted as shown old account of in enclosed GUJCOMASOL etc. as Statement-4. shown in enclosed Statement-3.

(b) Food & Budget, Planning, 14 (One Gazetted Civil Supplies deletion, proposals, Class-2) and 12 Department Financial Tribunal non-gazetted as Public Accounts- stated in

Sector Committees, Statement-3) One cases of unauthorised gazetted Class-2 withdrawal commission transferred so for fair price shops, vacant fixing other rates etc. The activities stated in Statement 5.

(c) Office of Cement Transport Nil
Director, Contract court cases,
Civil Supplies cement equalisation
fund and matters related
thereto.

3. From the aforesaid resolution though it appears that the employees working in the Directorate of Civil Supplies were declared to be surplus and will have to be accommodated at some other departments in Gandhinagar itself, but from the follow-up action as aforesaid the activities which were being performed in the Office of Civil Supplies (Accounts) as also the employees in the said office have to be distributed in the manner as given out aforesaid. Certain modifications have been made to the resolution dated 4th February, 1989 by resolution dated 15th February, 1989.

4. The petitioners having the apprehension of their declaring surplus as well as to be absorbed in other departments filed this special civil application and this Court has protected them. So all the petitioners are admittedly now working in different Offices of Director of Food, Director of Food and Civil Supplies, and Director of Civil Supplies.

5. The counsel for the petitioners submitted that sufficient number of posts are available in the aforesaid three departments for taking of the petitioners and they are not required to be sent to other departments. The learned counsel for the petitioners further submitted that the anxiety of the petitioners is that they may be retained in the aforesaid departments and in case sufficient number of posts to absorb the petitioners are not available therein then on the principle of 'last come first go' junior persons may be sent to other departments for their absorption.

6. Shri D.A. Bhambhanian, the counsel for the respondents submitted that so far as the category of Clerk/Typist is concerned, in these departments eight posts are there and all are likely to be retained, but in the case of other category of employees and one Clerk there may be possibility that all may not be retained in

these three departments and necessity may arise to send some of the petitioners to other departments.

7. In view of the statement made by the counsel for the respondents, nothing further now has to be gone into in the matter.

8. This special civil application deserves to be disposed of with the direction that the respondents may undertake the exercise of retention of the petitioners in the three departments, namely, Directorate of Food, Directorate of Food & Civil Supplies and Directorate of Civil Supplies and in case sufficient number of posts of the categories in which the petitioners are working are not available then on the principle 'last come first go' junior persons may be sent to other departments for their absorption. This exercise has to be undertaken within a period of three months from the date of receipt of writ of this order. The special civil application and rule stand disposed of in the aforesaid terms with no order as to costs.

zgs/-